



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

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GOVERNMENT OF KERALA

Home (S) Department

NOTIFICATION

G. O. (P) No. 90/2025/Home.

12th September, 2025
Dated, Thiruvananthapuram, 27th Chingam, 1201
21st Bhadra, 1947.

The Government of Kerala is pleased to notify the Guidelines to be followed for ensuring a uniform, lawful and efficient procedure in cases involving the proclamation of absconding accused persons and attachment of their property, as provided under Sections 84, 85 and 86 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. The



guidelines on proclamation and attachment under Sections 84, 85 and 86 of Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023, is attached herewith.

By order of the Governor,

BISHWANATH SINHA,
Additional Chief Secretary to Government.



**Guidelines on proclamation and attachment under Sections 84, 85 and 86 of Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023**

1. Introduction

These guidelines are designed to ensure a uniform, lawful and efficient procedure in cases involving the proclamation of absconding accused persons and the attachment of their property, as provided under Sections 84, 85, and 86 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, the BNSS). They clearly define the roles and responsibilities of all relevant stakeholders- Judges, Court Staff, Police Officers, and the District Revenue Administration- so as to fulfill the statutory objectives without procedural delays or legal infirmities. The guidelines also outline the process for seeking assistance from a contracting state for the identification, attachment and forfeiture of property under Section 86.

2. Scope

These guidelines apply to police officers and other public servants duly designated under applicable rules for the service and execution of processes issued by criminal courts in the State of Kerala, specifically in cases involving absconding accused persons. They are applicable at all stages of a criminal case and serve to supplement the existing legal provisions under the BNSS, as well as the prevailing Criminal Rules of Practice in Kerala.

3. Objective

These guidelines are intended to ensure the lawful, fair and uniform implementation of the provisions contained in Sections 84, 85 and 86 of the BNSS.

4. Duties and Responsibilities

A. Preliminary duties

The duties and responsibilities of the various stakeholders mentioned below are intended to clarify- without overriding- the obligations set forth under the relevant provisions of the BNSS, 2023 and the Criminal Rules of Practice in Kerala.

The processes related to proclamation, attachment of property and the declaration of a person as a proclaimed offender must be understood as part of a continuous sequence. This



begins with the filing of the final report and may extend to the conduct of ‘*in absentia*’ trials under Section 356 of the BNSS.

It is the solemn obligation of investigating officers, officers forwarding final reports and any public servant who files a complaint before a criminal court in the discharge or purported discharge of official duties, to strictly comply with the requirements of the BNSS and the extant Criminal Rules of Practice in Kerala, particularly with respect to furnishing accurate and complete details of the accused persons, victims/informants and witnesses involved in the prosecution.

B. Specific duties

The duties and responsibilities of various stakeholders in relation to proclamation and attachment would be as follows:

(1) Judge/Magistrate

(i) The decision to publish a written proclamation under Section 84(1) of the BNSS shall be made based on both subjective and objective satisfaction, which the magistrate or judge may derive from the reports submitted by the police officer or other public servant duly assigned under the applicable rules.

(ii) The publication required under Section 84(2)(ii) of the BNSS shall be made in a daily newspaper with wide circulation in the area where the accused was last known to have actually and voluntarily resided, carried on business, or personally worked for gain, as stated in the final report or complaint.

(iii) The District Judge of each district shall maintain a panel of advocates to be appointed as receivers under Section 85 of the BNSS.

(2) Station House Officer/Officer- in- Charge of the Police Station

(i) The Station House Officer or Officer- in-Charge of the Police Station shall employ an adequate number of support staff specifically assigned to execute all court processes, including effecting proclamations.

(ii) They shall ensure that the designated support staff strictly comply with the court’s directions within the timelines specified in the issued processes.



(iii) If the court orders publication in a daily newspaper, they shall promptly inform their superior officers to secure the necessary funds or take appropriate steps, through their superior, to ensure the publication is carried out.

(iv) They shall ensure that a duly verified affidavit confirming the publication, along with supporting materials such as reports from the concerned revenue officials, is submitted to the court within the prescribed timeline.

(v) If the property ordered to be attached consists of livestock or is perishable in nature, they shall promptly inform the court and assist in facilitating the sale of such property.

(3) Supporting Staff at the police station

(i) Supporting staff shall publish proclamations in accordance with the court order and Section 84(2) of the BNSS, documenting the date, time and location, as directed by the Station House Officer or Officer-in-Charge of the police station.

(ii) They shall obtain statements or signatures of independent witnesses as proof of compliance.

(iii) An affidavit along with a detailed report shall be submitted to the Station House Officer or Officer-in-Charge of the police station for onward transmission to the court.

(iv) For the attachment of movable property, they shall prepare an inventory, obtain signatures from witnesses and ensure its proper preservation.

(4) Superior Officers of Police in the District

(i) Superior police officers shall ensure that compliance reports are duly and promptly submitted by the Station House Officer/ Officer - in- Charge of the police station without delay.

(ii) They shall arrange sufficient funds to carry out the publication of the proclamation in a daily newspaper, if ordered by the court and oversee the implementation of such court directives within the stipulated time frame.

(iii) They shall conduct regular inspections to supervise the effective implementation of court orders concerning the publication of proclamations and the attachment of property under Sections 84 to 86 of the BNSS. Should any lapses be identified during these inspections, they must ensure appropriate administrative follow-up actions are taken against the responsible



officers.

(5) District Magistrate/Collector

(i) All District Magistrates/ Collectors and their subordinate officers are duty- bound to comply without fail with the court's directions issued under Section 85 of the BNSS. The timelines specified in such directions must be strictly adhered to, and the District Magistrates and Collectors shall ensure that their officers comply with these time frames to guarantee the effective implementation of the court's orders.

(ii) For compliance with court directions, any request made by a police officer or other public servants duly assigned under the rules to the District Magistrate/ Collector, or their subordinate officers shall be promptly acknowledged and positively addressed within the timeframe stipulated by the court.

(iii) Once attachment is ordered by the court and the same is communicated to the District Collector or any other officer subordinate to him, he shall, in turn, inform the factum of attachment effected on the property to the jurisdictional Sub Registrar, who shall note the encumbrance in the register concerned.

